



General Assembly

Substitute Bill No. 1053

January Session, 2011

* ____SB01053JUD__031411__ *

**AN ACT CONCERNING THE CONNECTICUT UNIFORM ADULT
PROTECTIVE PROCEEDINGS JURISDICTION ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) Sections 1 to 23,
2 inclusive, of this act may be cited as the "Connecticut Uniform Adult
3 Protective Proceedings Jurisdiction Act".

4 Sec. 2. (NEW) (*Effective October 1, 2011*) As used in sections 1 to 23,
5 inclusive, of this act:

6 (1) "Adult" means an individual who is at least eighteen years of
7 age.

8 (2) "Conservator of the estate" means (A) a conservator of the estate,
9 as defined in section 45a-644 of the general statutes, as amended by
10 this act, or (B) a person, except a hospital or nursing home facility,
11 appointed by a court outside of this state to manage the property of an
12 adult.

13 (3) "Conservator of the person" means (A) a conservator of the
14 person, as defined in section 45a-644 of the general statutes, as
15 amended by this act, or (B) a person, except a hospital or nursing home
16 facility, appointed by a court outside of this state to make decisions
17 regarding the person of an adult.

18 (4) "Conservator of the person order" means (A) an order appointing
19 a conservator of the person pursuant to part IV of chapter 802h of the
20 general statutes, or (B) an order by a court outside of this state
21 appointing a conservator of the person.

22 (5) "Conservator of the person proceeding" means (A) a judicial
23 proceeding held pursuant to part IV of chapter 802h of the general
24 statutes in which an order for the appointment of a conservator of the
25 person is sought or has been issued, or (B) a judicial proceeding held
26 outside of this state in which an order for the appointment of a
27 conservator of the person is sought or has been issued.

28 (6) "Involuntary representation" means involuntary representation,
29 as defined in section 45a-644 of the general statutes, as amended by
30 this act.

31 (7) "Party" means the respondent, petitioner, conservator of the
32 person or conservator of the estate or any other person allowed by a
33 court to participate in a conservator of the person proceeding or a
34 conservator of the estate proceeding.

35 (8) "Person", except as used in the term "conserved person", means
36 an individual, corporation, business trust, estate, trust, partnership,
37 limited liability company, association, joint venture, public
38 corporation, government or governmental subdivision, agency or
39 instrumentality, or any other legal or commercial entity.

40 (9) "Conserved person" means a conserved person, as defined in
41 section 45a-644 of the general statutes, as amended by this act, or an
42 adult for whom a conservator of the person or conservator of the estate
43 has been appointed in a judicial proceeding outside of this state.

44 (10) "Conservator of the estate order" means (A) an order appointing
45 a conservator of the estate pursuant to part IV of chapter 802h of the
46 general statutes, (B) an order by a court outside of this state appointing
47 a conservator of the estate, or (C) any other order by a court related to
48 the management of the property of an adult.

49 (11) "Conservator of the estate proceeding" means (A) a judicial
50 proceeding held pursuant to part IV of chapter 802h of the general
51 statutes, or (B) a judicial proceeding held outside of this state in which
52 a conservator of the estate order is sought or has been issued.

53 (12) "Record" means information that is inscribed on a tangible
54 medium or that is stored in an electronic or other medium and is
55 retrievable in perceivable form.

56 (13) "Respondent" means a respondent, as defined in section 45a-644
57 of the general statutes, as amended by this act, or an adult for whom
58 the appointment of a conservator of the person or a conservator of the
59 estate order is sought outside of this state.

60 (14) "State" means a state of the United States, the District of
61 Columbia, Puerto Rico, the United States Virgin Islands, a federally
62 recognized Indian tribe or any territory or insular possession subject to
63 the jurisdiction of the United States.

64 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) Sections 1 to 23, inclusive,
65 of this act and sections 45a-644 of the general statutes, as amended by
66 this act, 45a-648 of the general statutes, as amended by this act, and
67 45a-649 of the general statutes, as amended by this act, apply to
68 conservator of the person proceedings and conservator of the estate
69 proceedings begun on or after October 1, 2011.

70 (b) Sections 1 to 7, inclusive, of this act and sections 17 to 23,
71 inclusive, of this act apply to conservator of the person proceedings
72 and conservator of the estate proceedings begun before October 1,
73 2011, regardless of whether a conservator of the person order or
74 conservator of the estate order has been issued.

75 Sec. 4. (NEW) (*Effective October 1, 2011*) A court of probate may treat
76 a foreign country as if it were a state for the purpose of applying
77 sections 1 to 18, inclusive, of this act and sections 22 and 23 of this act.

78 Sec. 5. (NEW) (*Effective October 1, 2011*) (a) A court of probate may

79 communicate with a court in another state concerning a proceeding
80 arising under sections 1 to 23, inclusive, of this act or part IV of chapter
81 802h of the general statutes. The court of probate shall allow the
82 parties to participate in the communication.

83 (b) The court of probate shall make an audio recording of the
84 communication.

85 (c) The court of probate shall grant the parties access to the audio
86 recording of the communication.

87 (d) Notwithstanding the provisions of subsections (a) and (b) of this
88 section, courts of probate may communicate concerning schedules,
89 calendars, court records and other administrative matters without
90 making a record or allowing the parties to participate in the
91 communication.

92 Sec. 6. (NEW) (*Effective October 1, 2011*) (a) In a proceeding for
93 involuntary representation in this state, a court of probate may request,
94 to the extent permitted or required by the laws of this state, the
95 appropriate court of another state to do any of the following:

96 (1) Hold an evidentiary hearing;

97 (2) Order a person in that state to produce evidence or give
98 testimony pursuant to the procedures of that state;

99 (3) Order that an evaluation or assessment be made of the
100 respondent, subject to the provisions of section 45a-132a of the general
101 statutes;

102 (4) Order any appropriate investigation of a person involved in a
103 proceeding;

104 (5) Forward to the Court of Probate a certified copy of the transcript
105 or other record of a hearing under subdivision (1) of this subsection, or
106 any other proceeding, any evidence otherwise produced under
107 subdivision (2) of this subsection, and any evaluation or assessment

108 prepared in compliance with an order issued under subdivision (3) or
109 (4) of this subsection;

110 (6) Issue an order necessary to assure the appearance in the
111 proceeding of a person whose presence is necessary for the court to
112 make a determination, including the respondent or conserved person,
113 subject to the provisions of subsection (e) of section 45a-649 of the
114 general statutes, as amended by this act, subsection (e) of section 45a-
115 650 of the general statutes or subsection (g) of section 45a-656b of the
116 general statutes; or

117 (7) Issue an order authorizing the release of medical, financial,
118 criminal or other relevant information in that state, including protected
119 health information as defined in 45 CFR 160.103, as amended from
120 time to time, subject to the provisions of subsection (g) of section 45a-
121 649a of the general statutes.

122 (b) If a court of another state in which a conservator of the person
123 proceeding or conservator of the estate proceeding is pending requests
124 assistance of the kind provided in subsection (a) of this section, a court
125 of probate has jurisdiction for the limited purpose of granting the
126 request or making reasonable efforts to comply with the request,
127 subject to the laws of this state.

128 Sec. 7. (NEW) (*Effective October 1, 2011*) (a) In a proceeding for
129 involuntary representation in this state, in addition to other
130 procedures that may be available, testimony of a witness who is
131 located in another state may be offered by deposition or other means
132 allowable in this state for testimony taken in another state. A court of
133 probate on its own motion may order that the testimony of a witness
134 be taken in another state and may prescribe the manner in which and
135 the terms upon which the testimony is to be taken.

136 (b) In a proceeding for involuntary representation in this state, a
137 court of probate may permit a witness located in another state to be
138 deposed or to testify by telephone or audiovisual or other electronic
139 means. A court of probate shall cooperate with the court of the other

140 state in designating an appropriate location for the deposition or
141 testimony.

142 (c) Documentary evidence transmitted from another state to a court
143 of probate by technological means that does not produce an original
144 writing may not be excluded from evidence on an objection based on
145 the best evidence rule.

146 Sec. 8. (NEW) (*Effective October 1, 2011*) (a) As used in this section
147 and sections 9 to 16, inclusive, of this act:

148 (1) "Emergency" means a circumstance that will result in immediate
149 and irreparable harm to the mental or physical health or financial or
150 legal affairs of the respondent and includes a circumstance in which a
151 temporary conservator of the person or temporary conservator of the
152 estate may be appointed and may serve under subsection (a) of section
153 45a-654 of the general statutes;

154 (2) "Home state" means the state in which the respondent was
155 physically present, including any period of temporary absence, for at
156 least six consecutive months immediately before the filing of a petition
157 for a conservator of the estate order or the appointment of a
158 conservator of the person, or, if none, the state in which the respondent
159 was physically present, including any period of temporary absence, for
160 at least six consecutive months ending within the six months prior to
161 the filing of the petition;

162 (3) "Significant-connection state" means a state, other than the home
163 state, with which a respondent has a significant connection other than
164 mere physical presence and in which substantial evidence concerning
165 the respondent is available.

166 (b) In determining under section 10 of this act and subsection (e) of
167 section 17 of this act whether a respondent has a significant connection
168 with a particular state, the court shall consider:

169 (1) The location of the respondent's family and other persons

170 required to be notified of the conservator of the person proceeding or
171 conservator of the estate proceeding;

172 (2) The length of time the respondent at any time was physically
173 present in the state and the duration of any absence;

174 (3) The location of the respondent's property; and

175 (4) The extent to which the respondent has ties to the state such as
176 voter registration, state or local tax return filing, vehicle registration,
177 driver's license, social relationship and receipt of services.

178 Sec. 9. (NEW) (*Effective October 1, 2011*) A proceeding for
179 involuntary representation in this state shall be subject to the
180 provisions of part IV of chapter 802h of the general statutes, except that
181 (1) jurisdiction shall be determined in accordance with sections 8 to 16,
182 inclusive, of this act, and (2) the court of probate shall grant the parties
183 the opportunity to present facts and legal arguments before issuing a
184 decision on jurisdiction.

185 Sec. 10. (NEW) (*Effective October 1, 2011*) A court of probate in this
186 state has jurisdiction to appoint a conservator of the person or
187 conservator of the estate for a respondent pursuant to part IV of
188 chapter 802h of the general statutes if:

189 (1) This state is the respondent's home state;

190 (2) On the date a petition for involuntary representation is filed, this
191 state is a significant-connection state, and:

192 (A) The respondent does not have a home state or a court of the
193 respondent's home state has declined to exercise jurisdiction because
194 this state is a more appropriate forum; or

195 (B) The respondent has a home state, a petition for appointment of a
196 conservator of the person or issuance of a conservator of the estate
197 order is not pending in a court of that state or another significant-
198 connection state, and, before the court makes the appointment or

199 issues the order:

200 (i) A petition for an appointment or order is not filed in the
201 respondent's home state;

202 (ii) An objection to the court's jurisdiction is not filed by a person
203 required to be notified of the proceeding; and

204 (iii) The Court of Probate concludes that it is an appropriate forum
205 under the factors set forth in subsection (c) of section 13 of this act;

206 (3) A court of probate in this state does not have jurisdiction under
207 subdivision (1) or (2) of this subsection, the respondent's home state
208 and all significant-connection states have declined to exercise
209 jurisdiction because this state is the more appropriate forum, and
210 jurisdiction in this state is consistent with the statutes of this state and
211 the Constitution of this state and the Constitution of the United States;
212 or

213 (4) The requirements for special jurisdiction under section 11 of this
214 act are met.

215 Sec. 11. (NEW) (*Effective October 1, 2011*) (a) Except as provided in
216 subsections (b) and (c) of this section, a court of probate lacking
217 jurisdiction under section 10 of this act has special jurisdiction to do
218 any of the following if the court of probate makes the necessary
219 findings set forth in subdivisions (1) to (3), inclusive, of subsection (a)
220 of section 45a-654 of the general statutes:

221 (1) Appoint a temporary conservator of the person or a temporary
222 conservator of the estate in an emergency pursuant to subsection (a) of
223 section 45a-654 of the general statutes for a term not exceeding sixty
224 days for a respondent who is physically present in this state; or

225 (2) Appoint a temporary conservator of the person or a temporary
226 conservator of the estate for a conserved person for whom a
227 provisional order to transfer the proceeding from another state has
228 been issued under procedures similar to those in section 17 of this act.

229 (b) If an application for the appointment of a temporary conservator
230 of the person or a temporary conservator of the estate in an emergency
231 is brought in this state and this state was not the respondent's home
232 state on the date the application was filed, the court shall dismiss the
233 proceeding at the request of the court of the home state, if any,
234 whether dismissal is requested before or after the emergency
235 appointment.

236 (c) Prior to the appointment of a temporary conservator of the
237 person or a temporary conservator of the estate pursuant to this
238 section, the respondent or the conserved person for whom such
239 provisional order has been issued may file a written motion for a
240 hearing with the court of probate. Upon receipt of such motion, the
241 court of probate shall hold a hearing in accordance with section 45a-
242 654 of the general statutes, except that the court of probate shall (1)
243 issue notice to all parties in the manner set forth in subsection (c) of
244 section 45a-654 of the general statutes, (2) conduct the hearing in the
245 presence of the respondent or conserved person and provide the
246 respondent or conserved person the opportunity to provide testimony
247 regarding the motion, and (3) notify the respondent or conserved
248 person that such hearing may result in the court having special
249 jurisdiction to appoint a temporary conservator of the person or
250 temporary conservator of the estate in this state. If a written motion is
251 filed under this subsection, the court of probate shall not have special
252 jurisdiction under this section unless the court of probate finds that (A)
253 the respondent or conserved person understands the implications of
254 such special jurisdiction, and (B) such special jurisdiction is in the best
255 interests of the respondent or conserved person.

256 Sec. 12. (NEW) (*Effective October 1, 2011*) Except as otherwise
257 provided in section 11 of this act, a court that has appointed a
258 conservator of the person or issued a conservator of the estate order
259 consistent with the requirements of sections 1 to 23, inclusive, of this
260 act and part IV of chapter 802h of the general statutes has exclusive
261 and continuing jurisdiction over the proceeding until it is terminated
262 by the court or the appointment or order expires by its own terms.

263 Sec. 13. (NEW) (*Effective October 1, 2011*) (a) A court of probate
264 having jurisdiction under section 10 of this act to appoint a conservator
265 of the person or to issue a conservator of the estate order may decline
266 to exercise its jurisdiction if it determines at any time that a court of
267 another state is a more appropriate forum.

268 (b) If a court of probate declines to exercise its jurisdiction under
269 subsection (a) of this section, the court of probate shall either dismiss
270 the proceeding or stay the proceeding for not more than ninety days to
271 allow for a petition to be filed in a more appropriate forum that has
272 jurisdiction to appoint a conservator of the person or issue a
273 conservator of the estate order.

274 (c) In determining whether it is an appropriate forum, the Court of
275 Probate shall consider all relevant factors, including:

276 (1) Any expressed preference of the respondent;

277 (2) Whether abuse, neglect or exploitation of the respondent has
278 occurred or is likely to occur and which state could best protect the
279 respondent from the abuse, neglect or exploitation;

280 (3) The length of time the respondent was physically present in or
281 was a legal resident of this or another state;

282 (4) The distance of the respondent from the court in each state;

283 (5) The financial circumstances of the respondent's estate;

284 (6) The nature and location of the evidence;

285 (7) The ability of the court in each state to decide the issue in
286 accordance with due process of law and without undue delay;

287 (8) The procedures necessary to present evidence;

288 (9) The familiarity of the court of each state with the facts and issues
289 in the proceeding; and

290 (10) If an appointment were made, the court's ability to monitor the
291 conduct of the conservator of the person or conservator of the estate
292 within this state and outside of this state, if applicable.

293 (d) The court shall make specific written findings as to the basis for
294 its determination of appropriate forum.

295 Sec. 14. (NEW) (*Effective October 1, 2011*) (a) If at any time a court of
296 probate determines that it acquired jurisdiction to appoint a
297 conservator of the person or issue a conservator of the estate order
298 because of unjustifiable conduct of a party, the court shall:

299 (1) Decline to exercise jurisdiction and dismiss the case if the court
300 has not entered an order in the case; or

301 (2) Rescind any order issued in the case and dismiss the case, except
302 that, prior to dismissing the case, the court may exercise limited
303 jurisdiction for not more than ninety days for the limited purpose of
304 fashioning an appropriate remedy to avoid immediate and irreparable
305 harm to the mental or physical health or financial or legal affairs of the
306 person for whom a conservator of the person was appointed or who
307 was subject to the conservator of the estate order to prevent a
308 repetition of the unjustifiable conduct.

309 (b) A court of probate that determines it has acquired or maintained
310 jurisdiction because a party seeking or having sought to invoke its
311 jurisdiction engaged in unjustifiable conduct may assess against that
312 party necessary and reasonable expenses, including attorney's fees,
313 investigative fees, court costs, communication expenses, medical
314 examination expenses, witness fees and expenses, and travel expenses.
315 The court may not assess fees, costs or expenses of any kind against
316 this state or a governmental subdivision, agency or instrumentality of
317 this state unless authorized by law other than sections 1 to 23,
318 inclusive, of this act.

319 Sec. 15. (NEW) (*Effective October 1, 2011*) If a petition for involuntary
320 representation is brought in this state and this state was not the

321 respondent's home state on the date the petition was filed, in addition
322 to complying with the notice requirements of section 45a-649 of the
323 general statutes, as amended by this act, notice of the petition shall be
324 given to those persons who would be entitled to notice of the petition
325 if a proceeding were brought in the respondent's home state. The
326 notice shall be given in the same manner as notice is required to be
327 given under section 45a-649 of the general statutes, as amended by this
328 act.

329 Sec. 16. (NEW) (*Effective October 1, 2011*) Except for a petition for the
330 appointment of a temporary conservator of the person or a temporary
331 conservator of the estate in an emergency under subdivision (1) of
332 subsection (a) of section 11 of this act, if a petition for involuntary
333 representation is filed in this state and a petition for appointment of a
334 conservator of the person or issuance of a conservator of the estate
335 order is filed in another state and neither petition has been dismissed
336 or withdrawn, the following rules apply:

337 (1) If the Court of Probate has jurisdiction under section 10 of this
338 act, it may proceed with the case unless a court in another state
339 acquires jurisdiction under provisions similar to those in section 10 of
340 this act before the appointment or issuance of the order.

341 (2) If the Court of Probate does not have jurisdiction under
342 subdivision (1) or (2) of section 10 of this act, whether at the time the
343 petition is filed or at any time before the appointment or issuance of
344 the order, the court shall stay the proceeding and communicate with
345 the court in the other state. If the court in the other state has
346 jurisdiction, the Court of Probate shall dismiss the petition unless the
347 court in the other state determines that the Court of Probate is a more
348 appropriate forum and jurisdiction in this state is consistent with the
349 statutes of this state and the Constitution of this state and the
350 Constitution of the United States.

351 Sec. 17. (NEW) (*Effective October 1, 2011*) (a) Except for an individual
352 under voluntary representation as provided in section 45a-647 of the

353 general statutes, a conserved person, a conserved person's attorney, a
354 conservator of the person or a conservator of the estate appointed in
355 this state or any person who has received notice pursuant to
356 subdivision (2) of subsection (a) of section 45a-649 of the general
357 statutes, as amended by this act, may petition a court of probate to
358 transfer the conservatorship of the person or the conservatorship of the
359 estate, or both, to another state.

360 (b) Notice of a petition under subsection (a) of this section shall be
361 given to the persons that would be entitled to notice of a petition in
362 this state for the appointment of a conservator of the person or
363 conservator of the estate, or both.

364 (c) On the court's own motion or on request of the conserved
365 person, the conserved person's attorney, the conservator of the person
366 or the conservator of the estate or other person required to be notified
367 of the petition, the court of probate shall hold a hearing on a petition
368 filed pursuant to subsection (a) of this section.

369 (d) The court of probate shall issue a provisional order granting a
370 petition to transfer a conservatorship of the person and shall direct the
371 conservator of the person to petition for conservatorship of the person
372 in the other state if the court of probate is satisfied that the
373 conservatorship of the person will be granted by the court in the other
374 state and the court finds that:

375 (1) The conserved person is physically present in or is reasonably
376 expected to move permanently to the other state;

377 (2) An objection to the transfer has not been made or, if an objection
378 has been made, the objector has not established that the transfer would
379 be contrary to the interests of the conserved person, including the
380 reasonable and informed expressed preferences of the conserved
381 person;

382 (3) Plans for care and services for the conserved person in the other
383 state are reasonable and sufficient, have been made after allowing the

384 conserved person the opportunity to participate meaningfully in
385 decision making in accordance with the conserved person's abilities,
386 and include assisting the conserved person in removing obstacles to
387 independence, assisting the conserved person in achieving self-
388 reliance, ascertaining the conserved person's views, making decisions
389 in conformance with the reasonable and informed expressed
390 preferences of the conserved person, and making all reasonable efforts
391 to make decisions in conformance with the conserved person's
392 expressed health care preferences, including health care instructions
393 and other wishes, if any, described in any validly executed health care
394 instructions or otherwise; and

395 (4) If the transfer involves the termination of a tenancy or lease of a
396 conserved person, the sale or disposal of any real property or
397 household furnishings of the conserved person, a change in the
398 conserved person's residence or the placement of the conserved person
399 in an institution for long-term care, as defined in section 45a-656b of
400 the general statutes, the requirements in section 45a-656b of the
401 general statutes have been met.

402 (e) The court of probate shall issue a provisional order granting a
403 petition to transfer a conservatorship of the estate and shall direct the
404 conservator of the estate to petition for conservatorship of the estate in
405 the other state if the court of probate is satisfied that the
406 conservatorship of the estate will be accepted by the court of the other
407 state and the court finds that:

408 (1) The conserved person is physically present in or is reasonably
409 expected to move permanently to the other state, or the conserved
410 person has a significant connection to the other state considering the
411 factors set forth in subsection (b) of section 8 of this act;

412 (2) An objection to the transfer has not been made or, if an objection
413 has been made, the objector has not established that the transfer would
414 be contrary to the interests of the conserved person, including the
415 reasonable and informed expressed preferences of the conserved

416 person;

417 (3) Adequate arrangements will be made for management of the
418 conserved person's property, and that such arrangements will be made
419 in accordance with subsection (a) of section 45a-655 of the general
420 statutes; and

421 (4) The transfer is made in accordance with section 45a-656b of the
422 general statutes.

423 (f) The court of probate shall issue a final order confirming the
424 transfer and terminating the conservatorship of the person or
425 conservatorship of the estate on its receipt of:

426 (1) A provisional order accepting the proceeding from the court to
427 which the proceeding is to be transferred which is issued under
428 provisions similar to those in section 18 of this act; and

429 (2) The documents required to terminate a conservatorship of the
430 person or conservatorship of the estate in this state.

431 Sec. 18. (NEW) (*Effective October 1, 2011*) (a) To confirm the transfer
432 of a conservatorship of the person or a conservatorship of the estate
433 transferred to this state under provisions similar to those in section 17
434 of this act, the conservator of the person or conservator of the estate
435 shall petition the Court of Probate to accept the conservatorship of the
436 person or conservatorship of the estate. The petition shall include a
437 certified copy of the other state's provisional order of transfer.

438 (b) Notice of a petition under subsection (a) of this section shall be
439 given to those persons that would be entitled to notice if the petition
440 were a petition for the appointment of a conservator of the person or
441 issuance of a conservator of the estate order in both the transferring
442 state and this state. The notice shall be given in the same manner as
443 notice is required to be given under section 45a-649 of the general
444 statutes, as amended by this act.

445 (c) On the court's own motion or on request of the conservator of the

446 person, the conservator of the estate, the conserved person or other
447 person required to be notified of the proceeding, the court of probate
448 shall hold a hearing on a petition filed pursuant to subsection (a) of
449 this section.

450 (d) The court of probate shall issue a provisional order granting a
451 petition filed under subsection (a) of this section unless:

452 (1) An objection is made and the objector establishes that transfer of
453 the proceeding would be contrary to the interests of the conserved
454 person, including the reasonable and informed expressed preferences
455 of the conserved person; or

456 (2) The conservator of the person or conservator of the estate is
457 ineligible for appointment as a conservator of the person or
458 conservator of the estate in this state.

459 (e) The court of probate shall issue a final order accepting the
460 proceeding and appointing the conservator of the person as
461 conservator of the person in this state or appointing the conservator of
462 the estate as conservator of the estate in this state on its receipt from
463 the court from which the proceeding is being transferred of a final
464 order issued under provisions similar to those in section 17 of this act
465 transferring the proceeding to this state.

466 (f) Not later than thirty days before the issuance of a final order
467 accepting the transfer of a conservatorship of the person or
468 conservatorship of the estate to this state, the court of probate shall
469 ensure that (1) the conserved person is represented by counsel in
470 accordance with the provisions of section 45a-649a of the general
471 statutes, and (2) such person receives notice of his or her rights under
472 the laws of this state with respect to such transfer.

473 (g) Not later than ninety days after the issuance of a final order
474 accepting transfer of a conservatorship of the person or
475 conservatorship of the estate to this state, the court of probate shall
476 determine whether the conservatorship of the person or

477 conservatorship of the estate needs to be modified to conform to the
478 laws of this state, and, if so, the court of probate shall order such
479 modifications.

480 (h) In granting a petition under this section, the court of probate
481 shall recognize a conservatorship of the person order or
482 conservatorship of the estate order from the other state, including the
483 determination of the conserved person's incapacity and the
484 appointment of the conservator of the person or conservator of the
485 estate.

486 (i) The denial by a court of probate of a petition to accept a
487 conservatorship of the person or conservatorship of the estate
488 transferred from another state does not affect the ability of the
489 conservator of the person or conservator of the estate to seek
490 involuntary representation under section 45a-648 of the general
491 statutes, as amended by this act, if the court has jurisdiction to grant
492 the involuntary representation other than by reason of the provisional
493 order of transfer.

494 (j) The granting by a court of probate of a petition to accept a
495 conservatorship of the person or conservatorship of the estate
496 transferred from another state shall:

497 (1) Grant to the conserved person the same rights as if such person
498 had originally had a conservator of the person or conservator of the
499 estate appointed under part IV of chapter 802h of the general statutes,
500 including, but not limited to, the right to review and termination of
501 appointment of a conservator under section 45a-660 of the general
502 statutes; and

503 (2) Impose upon the conservator of the person or conservator of the
504 estate the same responsibilities and duties imposed upon a conservator
505 of the person or conservator of the estate under the laws of this state.

506 Sec. 19. (NEW) (*Effective October 1, 2011*) (a) If a conservator of the
507 person has been appointed in another state and a petition for the

508 appointment of a conservator of the person is not pending in this state,
509 the conservator of the person appointed in the other state, after giving
510 notice to the appointing court of an intent to register the conservator of
511 the person order in this state, may register the conservator of the
512 person order in this state as a conservatorship of the person by filing,
513 as a foreign judgment, certified copies of the order and letters of office
514 in the court of probate in the district in which the conserved person
515 resides, is domiciled or is located at the time of the filing of the
516 certified copies.

517 (b) Each court of probate shall maintain a registry, accessible by the
518 public, of conservator of the person orders registered under subsection
519 (a) of this section.

520 Sec. 20. (NEW) (*Effective October 1, 2011*) (a) If a conservator of the
521 estate has been appointed in another state and a petition for the
522 appointment of a conservator of the estate is not pending in this state,
523 the conservator of the estate appointed in the other state, after giving
524 notice to the appointing court of an intent to register the conservator of
525 the estate order in this state, may (1) register the conservator of the
526 estate order in this state as a conservator of the estate order by filing, as
527 a foreign judgment, certified copies of the order and letters of office
528 and of any bond in the court of probate in the district in which the
529 conserved person resides, is domiciled or is located at the time of the
530 filing of the certified copies, and (2) file certified copies of the
531 conservator of the estate order with the town clerk of the town in
532 which any real property of the conserved person is located for
533 recording on the land records.

534 (b) Each court of probate shall maintain a registry, accessible by the
535 public, of conservator of the estate orders registered under subsection
536 (a) of this section.

537 Sec. 21. (NEW) (*Effective October 1, 2011*) (a) On registration in this
538 state under section 19 of this act of a conservator of the person order
539 from another state or under section 20 of this act of a conservator of the

540 estate order from another state, the conservator may exercise in this
541 state all powers authorized in the order of appointment, except as
542 prohibited under the laws of this state, including maintaining actions
543 and proceedings in this state and, if the conservator is not a resident of
544 this state, subject to any conditions imposed on nonresident parties.
545 The registration of a conservator of the person order under section 19
546 of this act shall lapse one hundred twenty days after such registration,
547 except that the registration may be extended for good cause for an
548 additional one hundred twenty days by the court of probate in this
549 state having jurisdiction over the location within this state where the
550 person under the conservator of the person order resides, is domiciled
551 or is located.

552 (b) A court of probate or, to the extent it lacks jurisdiction, the
553 Superior Court may grant any relief available under sections 1 to 23,
554 inclusive, of this act, section 45a-644 of the general statutes, as
555 amended by this act, section 45a-648 of the general statutes, as
556 amended by this act, and section 45a-649 of the general statutes, as
557 amended by this act, and other law of this state to enforce a registered
558 order.

559 Sec. 22. (NEW) (*Effective October 1, 2011*) In applying and construing
560 the provisions of sections 1 to 23, inclusive, of this act, section 45a-644
561 of the general statutes, as amended by this act, section 45a-648 of the
562 general statutes, as amended by this act, and section 45a-649 of the
563 general statutes, as amended by this act, consideration shall be given to
564 the need to promote uniformity of the law with respect to its subject
565 matter among states that enact such uniform provisions, consistent
566 with the need to protect individual civil rights and in accordance with
567 due process.

568 Sec. 23. (NEW) (*Effective October 1, 2011*) This section, sections 1 to
569 22, inclusive, of this act, section 45a-644 of the general statutes, as
570 amended by this act, section 45a-648 of the general statutes, as
571 amended by this act, and section 45a-649 of the general statutes, as
572 amended by this act, modify, limit and supersede the Electronic

573 Signatures in Global and National Commerce Act, 15 USC 7001 et seq.,
574 but do not modify, limit or supersede Section 101 of said act, 15 USC
575 7001(a), or authorize electronic delivery of any of the notices described
576 in Section 103 of said act, 15 USC 7003(b).

577 Sec. 24. Section 45a-644 of the general statutes is repealed and the
578 following is substituted in lieu thereof (*Effective October 1, 2011*):

579 For the purposes of sections 45a-644 to 45a-663, inclusive, as
580 amended by this act, the following terms shall have the following
581 meanings:

582 (a) "Conservator of the estate" means a person, a municipal or state
583 official, or a private profit or nonprofit corporation except a hospital or
584 nursing home facility, as defined in section 19a-521, appointed by the
585 Court of Probate under the provisions of sections 45a-644 to 45a-663,
586 inclusive, as amended by this act, to supervise the financial affairs of a
587 person found to be incapable of managing his or her own affairs or of a
588 person who voluntarily asks the Court of Probate for the appointment
589 of a conservator of the estate, and includes a temporary conservator of
590 the estate appointed under the provisions of section 45a-654.

591 (b) "Conservator of the person" means a person, a municipal or state
592 official, or a private profit or nonprofit corporation, except a hospital
593 or nursing home facility, as defined in section 19a-521, appointed by
594 the Court of Probate under the provisions of sections 45a-644 to 45a-
595 663, inclusive, as amended by this act, to supervise the personal affairs
596 of a person found to be incapable of caring for himself or herself or of a
597 person who voluntarily asks the Court of Probate for the appointment
598 of a conservator of the person, and includes a temporary conservator
599 of the person appointed under the provisions of section 45a-654.

600 (c) "Incapable of caring for one's self" or "incapable of caring for
601 himself or herself" means that a person has a mental, emotional or
602 physical condition that results in such person being unable to receive
603 and evaluate information or make or communicate decisions to such
604 an extent that the person is unable, even with appropriate assistance,

605 to meet essential requirements for personal needs.

606 (d) "Incapable of managing his or her affairs" means that a person
607 has a mental, emotional or physical condition that results in such
608 person being unable to receive and evaluate information or make or
609 communicate decisions to such an extent that the person is unable,
610 even with appropriate assistance, to perform the functions inherent in
611 managing his or her affairs, and the person has property that will be
612 wasted or dissipated unless adequate property management is
613 provided, or that funds are needed for the support, care or welfare of
614 the person or those entitled to be supported by the person and that the
615 person is unable to take the necessary steps to obtain or provide funds
616 needed for the support, care or welfare of the person or those entitled
617 to be supported by the person.

618 (e) "Involuntary representation" means the appointment of a
619 conservator of the person or a conservator of the estate, or both, after a
620 finding by the Court of Probate that the respondent is incapable of
621 managing his or her affairs or incapable of caring for himself or herself.

622 (f) "Respondent" means an adult person for whom an application for
623 involuntary representation has been filed or an adult person who has
624 requested voluntary representation.

625 (g) "Voluntary representation" means the appointment of a
626 conservator of the person or a conservator of the estate, or both, upon
627 request of the respondent, without a finding that the respondent is
628 incapable of managing his or her affairs or incapable of caring for
629 himself or herself.

630 (h) "Conserved person" means a person for whom involuntary
631 representation is granted under sections 45a-644 to 45a-663, inclusive,
632 as amended by this act.

633 (i) "Personal needs" means the needs of a person including, but not
634 limited to, the need for food, clothing, shelter, health care and safety.

635 (j) "Property management" means actions to (1) obtain, administer,
636 manage, protect and dispose of real and personal property, intangible
637 property, business property, benefits and income, and (2) deal with
638 financial affairs.

639 (k) "Least restrictive means of intervention" means intervention for a
640 conserved person that is sufficient to provide, within the resources
641 available to the conserved person either from the conserved person's
642 own estate or from private or public assistance, for a conserved
643 person's personal needs or property management while affording the
644 conserved person the greatest amount of independence and self-
645 determination.

646 Sec. 25. Section 45a-648 of the general statutes is repealed and the
647 following is substituted in lieu thereof (*Effective October 1, 2011*):

648 (a) An application for involuntary representation may be filed by
649 any person alleging that a respondent is incapable of managing his or
650 her affairs or incapable of caring for himself or herself and stating the
651 reasons for the alleged incapability. The application shall be filed in the
652 court of probate in the district in which the respondent resides, is
653 domiciled or is located at the time of the filing of the application.

654 (b) An application for involuntary representation for a
655 nondomiciliary of the state [made pursuant to subsection (a) of this
656 section shall not be granted unless the court finds the (1) respondent is
657 presently located in the probate district in which the application is
658 filed; (2) applicant has made reasonable efforts to provide notice to
659 individuals and applicable agencies listed in subsection (a) of section
660 45a-649 concerning the respondent; (3) respondent has been provided
661 an opportunity to return to the respondent's place of domicile, and has
662 been provided the financial means to return to the respondent's place
663 of domicile within the respondent's resources, and has declined to
664 return, or the applicant has made reasonable but unsuccessful efforts
665 to return the respondent to such respondent's place of domicile; and
666 (4) requirements of this chapter for the appointment of a conservator

667 pursuant to an application for involuntary representation have been
668 met] shall be made pursuant to the provisions of sections 8 to 16,
669 inclusive, of this act.

670 [(c) If, after the appointment of a conservator for a nondomiciliary of
671 the state the nondomiciliary becomes domiciled in this state, the
672 provisions of this section regarding involuntary representation of a
673 nondomiciliary shall no longer apply.

674 (d) The court shall review any involuntary representation of a
675 nondomiciliary ordered by the court pursuant to subsection (b) of this
676 section every sixty days. Such involuntary representation shall expire
677 sixty days after the date such involuntary representation was ordered
678 by the court or sixty days after the most recent review ordered by the
679 court, whichever is later, unless the court finds the (1) conserved
680 person is presently located in the state; (2) conservator has made
681 reasonable efforts to provide notice to individuals and applicable
682 agencies listed in subsection (a) of section 45a-649 concerning the
683 conserved person; (3) conserved person has been provided an
684 opportunity to return to the conserved person's place of domicile and
685 has been provided the financial means to return to the conserved
686 person's place of domicile within the conserved person's resources,
687 and has declined to return, or the conservator has made reasonable but
688 unsuccessful efforts to return the conserved person to the conserved
689 person's place of domicile; and (4) requirements of this chapter for the
690 appointment of a conservator pursuant to an application for
691 involuntary representation have been met. As part of its review under
692 this subsection, the court shall receive and consider reports from the
693 conservator and from the attorney for the conserved person regarding
694 the requirements of this subsection.]

695 [(e)] (c) A person is guilty of fraudulent or malicious application or
696 false testimony when such person (1) wilfully files a fraudulent or
697 malicious application for involuntary representation or appointment of
698 a temporary conservator, (2) conspires with another person to file or
699 cause to be filed such an application, or (3) wilfully testifies either in

700 court or by report to the court falsely to the incapacity of any person in
701 any proceeding provided for in sections 45a-644 to 45a-663, inclusive,
702 as amended by this act. Fraudulent or malicious application or false
703 testimony is a class D felony.

704 Sec. 26. Section 45a-649 of the general statutes is repealed and the
705 following is substituted in lieu thereof (*Effective October 1, 2011*):

706 (a) (1) Upon an application for involuntary representation, the court
707 shall issue a citation to the following enumerated parties to appear
708 before it at a time and place named in the citation, which shall be
709 served on the parties at least ten days before the hearing date, or in the
710 case of an application made pursuant to section 17a-543 or 17a-543a, at
711 least seven days before the hearing date, which date in any event shall
712 not be more than thirty days after the receipt of the application by the
713 Court of Probate unless continued for cause shown. Notice of the
714 hearing shall be sent within thirty days after receipt of the application.
715 In addition to such notice, (A) notice for a matter brought under
716 sections 8 to 16, inclusive, of this act shall be given in the manner
717 provided in section 15 of this act, and (B) notice for a matter brought
718 under section 17 of this act shall be given in the manner provided in
719 section 18 of this act.

720 (2) The court shall direct that personal service of the citation be
721 made, by a state marshal, constable or an indifferent person, upon the
722 following: The respondent and the respondent's spouse, if any, if the
723 spouse is not the applicant, except that in cases where the application
724 is for involuntary representation pursuant to section 17b-456, and there
725 is no spouse, the court shall order notice by certified mail to the
726 children of the respondent and if none, the parents of the respondent
727 and if none, the brothers and sisters of the respondent or their
728 representatives, and if none, the next of kin of such respondent.

729 (3) The court shall order such notice as it directs to the following:
730 (A) The applicant; (B) the person in charge of welfare in the town
731 where the respondent is domiciled or resident and, if there is no such

732 person, the first selectman or chief executive officer of the town if the
 733 respondent is receiving assistance from the town; (C) the
 734 Commissioner of Social Services, if the respondent is in a state-
 735 operated institution or receiving aid, care or assistance from the state;
 736 (D) the Commissioner of Veterans' Affairs if the respondent is
 737 receiving veterans' benefits or the Veterans' Home, or both, if the
 738 respondent is receiving aid or care from such home, or both; (E) the
 739 Commissioner of Administrative Services, if the respondent is
 740 receiving aid or care from the state; (F) the children of the respondent
 741 and if none, the parents of the respondent and if none, the brothers
 742 and sisters of the respondent or their representatives; (G) the person in
 743 charge of the hospital, nursing home or some other institution, if the
 744 respondent is in a hospital, nursing home or some other institution.

745 (4) The court, in its discretion, may order such notice as it directs to
 746 other persons having an interest in the respondent and to such persons
 747 the respondent requests be notified.

748 (5) If personal service of the notice required in subsection (b) of this
 749 section is not made as required in subdivision (2) of this subsection,
 750 the court shall be deprived of jurisdiction over the application.

751 (b) The notice required by subdivision (2) of subsection (a) of this
 752 section shall specify (1) the nature of involuntary representation
 753 sought and the legal consequences thereof, (2) the facts alleged in the
 754 application, (3) the date, time and place of the hearing, and (4) that the
 755 respondent has a right to be present at the hearing and has a right to be
 756 represented by an attorney of the respondent's choice at the
 757 respondent's own expense. The notice shall also include a statement in
 758 boldface type of a minimum size of twelve points in substantially the
 759 following form:

760 "POSSIBLE CONSEQUENCES OF THE APPOINTMENT OF A
 761 CONSERVATOR FOR YOU

762 This court has received an application to appoint a conservator for
 763 you. A conservator is a court-appointed legal guardian who may be

764 assigned important decision-making authority over your affairs. If the
765 application is granted and a conservator is appointed for you, you will
766 lose some of your rights.

767 A permanent conservator may only be appointed for you after a
768 court hearing. You have the right to attend the hearing on the
769 application for appointment of a permanent conservator. If you are not
770 able to access the court where the hearing will be held, you may
771 request that the hearing be moved to a convenient location, even to
772 your place of residence.

773 You should have an attorney represent you at the hearing on the
774 application. If you are unable to obtain an attorney to represent you at
775 the hearing, the court will appoint an attorney for you. If you are
776 unable to pay for representation by an attorney, the court will pay
777 attorney fees as permitted by the court's rules. Even if you qualify for
778 payment of an attorney on your behalf, you may choose an attorney if
779 the attorney will accept the attorney fees permitted by the court's rules.

780 If, after a hearing on the application, the court decides that you lack
781 the ability to care for yourself, pay your bills or otherwise manage
782 your affairs, the court may review any alternative plans you have to
783 get assistance to handle your own affairs that do not require
784 appointment of a conservator. If the court decides that there are no
785 adequate alternatives to the appointment of a conservator, the court
786 may appoint a conservator and assign the conservator responsibility
787 for some or all of the duties listed below. While the purpose of a
788 conservator is to help you, you should be aware that the appointment
789 of a conservator limits your rights. Among the areas that may be
790 affected are:

- 791 - Accessing and budgeting your money
- 792 - Deciding where you live
- 793 - Making medical decisions for you

794 - Paying your bills

795 - Managing your real and personal property

796 You may participate in the selection of your conservator. If you
797 have already designated a conservator or if you inform the court of
798 your choice for a conservator, the court must honor your request
799 unless the court decides that the person designated by you is not
800 appropriate.

801 The conservator appointed for you may be a lawyer, a public official
802 or someone whom you did not know before the appointment. The
803 conservator will be required to make regular reports to the court about
804 you. The conservator may charge you a fee, under the supervision of
805 the court, for being your conservator."

806 (c) Notice to all other persons required by this section shall only be
807 required to state that involuntary representation is sought, the nature
808 of the involuntary representation sought, the legal consequences of the
809 involuntary representation and the date, time and place of the hearing
810 on the application for involuntary representation.

811 (d) If the respondent is unable to request or obtain an attorney for
812 any reason, the court shall appoint an attorney to represent the
813 respondent in any proceeding under this title involving the
814 respondent. If the respondent is unable to pay for the services of such
815 attorney, the reasonable compensation for such attorney shall be
816 established by, and paid from funds appropriated to, the Judicial
817 Department, except that if funds have not been included in the budget
818 of the Judicial Department for such purposes, such compensation shall
819 be established by the Probate Court Administrator and paid from the
820 Probate Court Administration Fund.

821 (e) If the respondent notifies the court in any manner that the
822 respondent wants to attend the hearing on the application but is
823 unable to do so, the court shall schedule the hearing on the application
824 at a place that would facilitate attendance by the respondent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section
Sec. 5	<i>October 1, 2011</i>	New section
Sec. 6	<i>October 1, 2011</i>	New section
Sec. 7	<i>October 1, 2011</i>	New section
Sec. 8	<i>October 1, 2011</i>	New section
Sec. 9	<i>October 1, 2011</i>	New section
Sec. 10	<i>October 1, 2011</i>	New section
Sec. 11	<i>October 1, 2011</i>	New section
Sec. 12	<i>October 1, 2011</i>	New section
Sec. 13	<i>October 1, 2011</i>	New section
Sec. 14	<i>October 1, 2011</i>	New section
Sec. 15	<i>October 1, 2011</i>	New section
Sec. 16	<i>October 1, 2011</i>	New section
Sec. 17	<i>October 1, 2011</i>	New section
Sec. 18	<i>October 1, 2011</i>	New section
Sec. 19	<i>October 1, 2011</i>	New section
Sec. 20	<i>October 1, 2011</i>	New section
Sec. 21	<i>October 1, 2011</i>	New section
Sec. 22	<i>October 1, 2011</i>	New section
Sec. 23	<i>October 1, 2011</i>	New section
Sec. 24	<i>October 1, 2011</i>	45a-644
Sec. 25	<i>October 1, 2011</i>	45a-648
Sec. 26	<i>October 1, 2011</i>	45a-649

JUD *Joint Favorable Subst.*